

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA
Montana Fifth Judicial District Court, County of Jefferson

STATE OF MONTANA,)	
)	
Plaintiff,)	
)	CAUSE NO. DC-17-027
-vs-)	
)	DECISION
MICHAEL J. FERKOVICH,)	
)	
Defendant.)	

On Aug. 16, 2017, for the offense of Driving or in Actual Physical Control of a Motor Vehicle while Under the Influence of Alcohol- 4th Offense, the District Court sentenced the Defendant to the Department of Corrections for a term of 13 months followed by a five year suspended sentence with a recommendation that he successfully complete the WATCH program. Defendant was fined \$5000. The Defendant received credit for 57 days of time served.

On February 22, 2018, Defendant's Application for review of that sentence was heard by the Sentence Review Division of the Montana Supreme Court (hereafter "the Division"). Defendant appeared by videoconferencing from the Crossroads Correctional Center and was represented by Brent Getty of the Office of the State Public Defender. The State was not represented.

Before hearing the Application, Defendant was advised that the Division has the authority not only to reduce the sentence or affirm it, but also increase it. Defendant was further advised that there is no appeal from a decision of the Division. Defendant acknowledged that he understood this and stated that he wished to proceed.

Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).


The Division finds that the reasons advanced for modification are insufficient to hold that the sentence imposed by the District Court is clearly inadequate or clearly excessive.


Therefore, it is the unanimous decision of the Division that the sentence is **AFFIRMED**.

Done in open Court this 22nd day of February, 2018.

DATED this 9th day of March, 2018.

SENTENCE REVIEW DIVISION



Hon. Kathy Seeley, Chairperson


Hon. Brenda Gilbert, Member


Hon. Dan Wilson, Member

Copies mailed this 13th day
of March, 2018, to:

Clerk of District Court (Original)
Michael J. Ferkovich #3022013, Defendant (2)
Hon. Luke Berger
Brent Getty, Defense Counsel
Andrew W. Paul, Esq.
Board of Pardons and Parole
MSP - Records Dept.


Georgia Lovelady, Judicial Assistant